

AMENDED IN SENATE APRIL 30, 2007

SENATE BILL

No. 947

Introduced by Senator Hollingsworth

February 23, 2007

An act to ~~add Section 21080.20 to~~ *amend Sections 21083.9 and 21092.4 of the Public Resources Code*, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 947, as amended, Hollingsworth. California Environmental Quality Act: ~~Caltrans: rights-of-way: consultation: transportation facilities.~~

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, unless the project is exempt from the act.

~~This bill would exempt from those CEQA requirements the expansion of an existing overpass, on-ramp, or off-ramp that is built on an easement or right-of-way under the control of a state or local transportation agency, or a city, county, or city and county. By imposing new duties on local governments with respect to determining whether that exemption is applicable to specified highway expansion projects, the bill would impose a state-mandated local program.~~

CEQA requires a lead agency to call at least one scoping meeting for a project of statewide, regional, or areawide significance, and to notify specified entities of at least one scoping meeting.

Existing law for such a project requires the lead agency to consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdiction that could be affected by the project, for the purpose of the lead agency obtaining information

concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service.

This bill would additionally require notice of at least one scoping meeting to be provided to transportation planning agencies or public agencies required to be consulted concerning such a project, and would require the project's effect on overpasses, on-ramps, and off-ramps to be included in that consultation. By imposing new duties on local governments with respect to notifying additional entities of a scoping meeting and consulting on other effects of the project, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 21080.20 is added to the Public Resources~~
- 2 ~~Code, to read:~~
- 3 ~~21080.20. This division does not apply to the expansion of an~~
- 4 ~~existing overpass, on-ramp, or off-ramp that is built on an easement~~
- 5 ~~or right-of-way under the control of a state or local transportation~~
- 6 ~~agency, or a city, county, or city and county.~~
- 7 ~~SECTION 1. Section 21083.9 of the Public Resources Code is~~
- 8 ~~amended to read:~~
- 9 ~~21083.9. (a) Notwithstanding Section 21080.4, 21104, or~~
- 10 ~~21153, a lead agency shall call at least one scoping meeting for~~
- 11 ~~either of the following:~~
- 12 ~~(1) A proposed project that may affect highways or other~~
- 13 ~~facilities under the jurisdiction of the Department of Transportation~~
- 14 ~~if the meeting is requested by the department. The lead agency~~
- 15 ~~shall call the scoping meeting as soon as possible, but not later~~
- 16 ~~than 30 days after receiving the request from the Department of~~
- 17 ~~Transportation.~~
- 18 ~~(2) A project of statewide, regional, or areawide significance.~~

1 (b) The lead agency shall provide notice of at least one scoping
2 meeting held pursuant to paragraph (2) of subdivision (a) to all of
3 the following:

4 (1) ~~Any~~ A county or city that borders on a county or city within
5 which the project is located, unless otherwise designated annually
6 by agreement between the lead agency and the county or city.

7 (2) ~~Any~~ A responsible agency.

8 (3) ~~Any~~ A public agency that has jurisdiction by law with respect
9 to the project.

10 (4) ~~Any~~ A *transportation planning agency or public agency*
11 *required to be consulted pursuant to Section 21092.4.*

12 (5) An organization or individual who has filed a written request
13 for the notice.

14 (c) For ~~any~~ an entity, organization, or individual that is required
15 to be provided notice of a lead agency public meeting, the
16 requirement for notice of a scoping meeting pursuant to subdivision
17 (b) may be met by including the notice of a scoping meeting in
18 the public meeting notice.

19 (d) A scoping meeting that is held in the city or county within
20 which the project is located pursuant to the National Environmental
21 Policy Act (42 U.S.C. Sec. 4321 et seq.) and the regulations
22 adopted pursuant to that act shall be deemed to satisfy the
23 requirement that a scoping meeting be held for a project subject
24 to paragraph (2) of subdivision (a) if the lead agency meets the
25 notice requirements of subdivision (b) or subdivision (c).

26 *SEC. 2. Section 21092.4 of the Public Resources Code is*
27 *amended to read:*

28 21092.4. (a) For a project of statewide, regional, or areawide
29 significance, the lead agency shall consult with transportation
30 planning agencies and public agencies—~~which that~~ have
31 transportation facilities within their jurisdictions—~~which that~~ could
32 be affected by the project. Consultation shall be conducted in the
33 same manner as for responsible agencies pursuant to this division,
34 and shall be for the purpose of the lead agency obtaining
35 information concerning the project's effect on major local arterials,
36 public transit, freeways, highways, *overpasses, on-ramps,*
37 *off-ramps,* and rail transit service within the jurisdiction of a
38 transportation planning agency or a public agency—~~which that~~ is
39 consulted by the lead agency. A transportation planning agency
40 or public agency—~~which that~~ provides information to the lead

1 agency shall be notified of, and provided with copies of,
2 environmental documents pertaining to the project.

3 (b) As used in this section, “transportation facilities” includes
4 major local arterials and public transit within five miles of the
5 project site and freeways, highways, *overpasses*, *on-ramps*,
6 *off-ramps*, and rail transit service within 10 miles of the project
7 site.

8 ~~SEC. 2.~~

9 *SEC. 3.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.